

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 253 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

COMMISSIONER OF INCOME TAX

Versus

H.H. MAHARAJA FATESINGH FAMILYTRUST NO.2

Appearance:

MR MANISH R BHATT for Petitioner
MR KC PATEL for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE R.BALIA.

Date of decision: 07/01/97

ORAL JUDGEMENT

1. The following two questions have been referred to this Court by the Income Tax Appellate Tribunal, Ahmedabad Bench 'C' for its opinion:

1. "Whether on the facts and in the

circumstances of the case, the Tribunal was right in law in coming to the conclusion that the provision of Section 60 of the Income Tax Act, 1961 were not applicable to the facts of the case?"

2. "Whether on the facts and in the circumstances of the case the Tribunal was right in law in coming to the conclusion that the interest income earned by the beneficiaries of the assessee Trust were not liable to be included in the income of the assessee on the principle of constructive receipt?"

2. For the reasons stated by us in our judgement in Income Tax Reference No. 252 of 1983 today, both the questions referred to this court are answered in the affirmative in favour of the assessee and against the revenue. Reference stands disposed of accordingly.
